EPA Region 10
PCB Compliance Inspection Report

Inspection Information

Facility Name: Rainier Commons, LLC

EPA ID Number: WAD051230004

Inspection Date: September 1, 2009

Inspection Type: Sampling

Inspection Team: Bruce Long, USEPA Oregon Operations Office, Office of Compliance and Enforcement, Inspection and Enforcement Management Unit; 503-326-3686. long.bruce@epa.gov. Tristen S. Gardner, Pesticides and Toxics Unit. 206.553.6240. gardner.tristen@epa.gov.

Site Contact Information

Contact Name/Title: Mr. Eitan Alon, Property Manager; Ariel Development, LLC

Location Address: 3100 Airport Way South, Seattle, Washington 98134

Latitude: 47.576224 **Longitudes**: -122.321200

Mailing Address: 1425 5th Avenue, Suite 2625, Seattle, Washington 98027

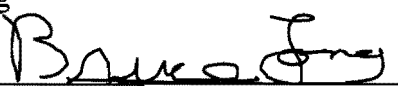
Phone Number: 206-447-0263 x203

Fax Number: 206-447-0299

Report Information

Report Start Date: September 1, 2009 **Date Report Completed:** October 6, 2009

Report Author Name: Bruce Long

Report Author Signature: 

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Attachments

General Facility Information

The Rainer Commons, located in the Georgetown District of South Seattle, is the former Rainier Brewery Building which was first built in 1884. The Old Brewery facility is approximately 4.57 acre parcel with 26 buildings located at 3100 Airport Way South, Seattle, Washington. The Brewery is bound by South Stevens Street to the north, by South Horton Street to the south, by Interstate 5 to the east and Airport Way to the west (Maps, Page 1). The property was purchased by Rainier Commons, LLC in August 2003 from the Benavoya Foundation (See March 24, 2009 Report; Attachment III, Page I). The properties current use is a coffee roasting and storage facility, artist loft (Music and other arts), two restaurants and residential.

The Rainier Commons is owned by the Rainier Commons, LLC, but is managed by Ariel Development, LLC. There are common members in both organizations (See March 24, 2009 Report; Attachment III).

Facility NAISC No: 445290 and 721310

Current Site Contact Information: Rainier Commons, LLC

Contact Name/Title: Mr. Brett Goldfarb, Member
Mailing Address: 14255 5th Avenue, Suite 2625, Seattle, Washington 98027
Phone Number: 503-829-7200
Fax Number: 503-829-7320

Current Site Contact Information: Ariel Development, LLC

Contact Name/Title: Mr. Eitan Alon, Property Manager
Mailing Address: 3317 3rd Avenue South, Seattle, Washington 98134
Phone Number: 206-447-0263 x203
Fax Number: 206-447-0299

Facility History

The Rainier Brewery operated at the Airport Way location from 1883 to 1999. In 1999, the property was purchased by Benaroya Foundation and then sold to Rainier Commons, LLC in August 2003[1]. The surrounding properties are small manufacturing facilities and retail stores. There is residential property to the east on the east side of Interstate 5.

In October 2005, the City of Seattle Public Utility Department (SUP) did a survey of the storm water collection system around the old brewery and found PCBs in the system that ranged from 17,500 mg/kg (ppm) to 2,200,000 mg/kg[2]. The same locations were resampled by the SUP in January 2008 and the concentrations dropped by a factor of 100. In February 2008, the SPU scoured the storm water collection system around the Old Brewery and removed the PCB sediments in the storm water collection system.

In May 2006, Rainier Commons, through its consultant Vernon Environmental, Inc. (VEI) conducted a joint investigation of the storm water collection system and out of curiosity sampled the paint of the old brewery's exterior to see if it was the source of PCBs that were ending up in the storm water collection system[3]. In the VEI report the PCB concentration in the paint sample was 2,300 mg/kg (ppm) and is reported as Aroclor 1254. The City of Seattle Public Utility Department (SUP) found Aroclor 1254 in its samples of sediments collected in the storm water collection system in October 2005 and January 2008.

Other media information:

This facility is subject to regulation administered by the King County under the Clean Water Act (Storm Water Management). The facility has a Resource Conservation and Recovery Act identification assigned; WAD051230004.

TSCA Section 6(e) Notification:

As of the date of this inspection and investigation, there was no notification to EPA regarding the facilities management of PCBs and PCB remediation waste. Rainer Commons has not notified EPA of any PCB handling activities it may take to remediate the PCB waste in the storm water collection system.

Access:

The Rainier Commons is managed by Ariel Development, LLC. To gain access to portions of the facility, permission can be granted by members of the Ariel Development organization. There are public businesses operating at the facility, those businesses, open to the public, can be accessed during business hours.

Contact Information for Ariel Development, LLC:
Contact Name/Title: Mr. Eitan Alon, Property Manager
Mailing Address: 3317 3rd Avenue South, Seattle, Washington 98134
Phone Number: 206-447-0263 x203
Fax Number: 206-447-0299

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[1] Site history from Farallon Consulting, Inc., Site Assessment Report, Aril 14, 2004.
[2] See EPA March 24, 2009 Inspection report, Attachment VI.
[3] Catch Basin Sediment Sample Results Report. Vernon Environmental, Inc. June 2006, Page 5.

Facility Map:

Maps and aerial photographs are under the Attachment I.

Weather:

The weather at the time of this inspection was sunny and warm there has been no rainfall within the past 48 hours.

Description of PCB Inspection

The United States Environmental Protection Agency (EPA) intended to secure information regarding Rainier Commons, LLC's compliance with the regulations promulgated under Section 6(e) of the Toxic Substance and Control Act (TSCA). Specifically, compliance with the regulations found at 40 CFR Part 761 for the management, distribution in commerce, use, disposal, storage, and marking of PCBs and PCB items. This inspection was conducted under the authority of Section 11 of TSCA (Attachment III). This was an announced inspection. This is a follow-up inspection for additional sampling of the paint on the old brewery building.

At approximately 10:00 am on September 1, 2009, Mr. Tristen Gardner and I arrived at the Old Brewery located at 3100 Airport Way South. Shortly after our arrival we met with Mr. Eitan Alon, Property Manger for Ariel Development in the parking lot. I confirmed that Mr. Alon is an employee of Ariel Development, but he was there as a representative for Rainier Commons, LLC. After introductions, I presented my credentials and the Notice of Inspection (Attachment IV). I reviewed the scope of this inspection with Mr. Alon.

The scope of this inspection was to collect additional samples of the paint on the building, both exterior and interior. The following questions were asked of Mr. Alon.

1) Has the facility been painted or repairs made to the painted surfaces since the March 2009 site visit? – Mr. Alon answered no, but then clarified that a mural had been painted on the upper level of Building 5 and 6.
2) Has the facility been surveyed for PCB contamination; i.e. tested for PCBs in the paint? – Mr. Alon stated no, it had not been tested.
3) What type of ongoing PCB paint clean-up activity is taking place and the frequency of that clean-up? – Mr. Alon stated that about every three to four days employees remove paint chips and debris from around the buildings and containerize the debris. This answer was also confirmed with one of the employees that cleans up the paint chips; Mr. Nicky Berrious.
4) Has any PCB waste been shipped off-site? – Mr. Alon stated no.
5) How is the PCB clean-up waste being managed on site? – Mr. Alon stated the debris was collected in 55-gallon containers and stored inside Building 12 (See Photo Log).

We began the inspection by walking around the outside of the facility and collected paint samples from sections of the wall that were blistering or pealing. Table 1 is a summary of the location and PCB results for the wall samples. The attached Photo-Log recorded the location of the samples. Only one sample is from the interior of the building. This sample was collected from the wall of the storage unit now used to accumulate containers of PCB contaminated debris; Building 12. Mr. Nicky Berrious joined us during the collection of the paint samples. Mr. Berrious is an employee of Ariel Development.

Note: The results in Table 1 are separated by the Monsanto Aroclor. The sum of the Aroclors will give the total PCB concentration for that sample.

Table 1 – PCB Sample Location and Results

Sample No.	Location	Paint Colors	PCB Results
09354100	Building 13 – West Wall	Red overcoat w/ beige and blue under Coat	950 mg/kg – 1254 550 mg/kg - 1260
09354101	Smokestack – West Wall	Red paint over red brick	250 mg/kg – 1254 140 mg/kg - 1260
09354102	Building 12 – Northwest Wall	Red overcoat over red brick	3.8 mg/kg – 1254 7.4 mg/kg - 1260
09354103	Building 12 – West Wall	Red overcoat w/blue undercoat	11 mg/kg – 1254 8.2 mg/kg - 1260
09354104	Building 9 – West Wall	Orange overcoat w/ beige and blue undercoat	7300 mg/kg – 1254 2900 mg/kg - 1260
09354105	Building 8 – North of Loading Dock	Beige w/ metallic undercoat	8500 mg/kg 1254 3900 mg/kg 1260
09354106	Building 5A – Westside/Stairs	Red overcoat over beige	470 mg/kg – 1254 220 mg/kg - 1260
09354107	Building 5A – West Wall	Red Overcoat with damaged stones	3.7 mg/kg 1254 2.8 mg/kg 1260
09354108	Building 6 – West Side Walkway	Green Overcoat w/beige undercoat	12000 mg/kg – 1254 6000 mg/kg - 1260
09354109	Building 1 – West Wall	Brown overcoat w/tan undercoat	No Aroclors Detected
09354110	Building 25 – East Wall	Original beige paint with no overcoat.	7.3 mg/kg – 1254 2.3 mg/kg - 1260
09354111	Interior Building 12 – North Wall	White overcoat and white undercoat	9.4 mg/kg – 1254 6.7 mg/kg 1260
09354112	PCB Drum Marked 07/01/09	Soils and paint chips from around the facility	3800 µg/kg – 1254 1700 µg/kg - 1260

Out Brief:

I discussed the following with Mr. Alon.

1 – Split samples were provided to Mr. Alon.
2 – EPA still needs to see what is in the paint on the interior of the building occupied by Tully's Coffee Company.

The field portion of this inspection closed at approximately 12:55 pm Pacific Standard Time (PST) on September 1, 2009.

Attachments

Photograph Log – September 1, 2009
I – Maps and Arial Photos
II – Narrative Report from Mach 2009
III – PCB Sample Plan for September 1, 2009
IV – Notice of Inspection – September 1, 2009
V – Sample Plan and Sample Results

PHOTO DOCUMENTATION

Facility: Rainier Commons, LLC	**Lat/Long:** 47.576224/-122.321200	**Inspection Date:** September 1, 2009
Location: Seattle, Washington 98134	**Camera:** Panasonic/Lumix DMC-FZ7	**Photographer:** Tristen Gardner

Description: The old Rainer Brewery in the 1930's. These are building 5, 5a and 6.

Time: 1930's

Direction: Looking from what is now Airport Way – Brew Kettle Block.

Photo No: From Web Site

Description: West wall of Building 13. This is the location of Sample 09354100. This sample was collected approximately 30 feet south of the sample collected by EPA in March 2009. This sample had PCBs at 1500 ppm.

Time: 10:22 am

Direction: Southwest wall of Building 13 – Steam Plant Row.

Photo No: P101128

PHOTO DOCUMENTATION

Facility: Rainier Commons, LLC	**Lat/Long:** 47.576224/-122.321200	**Inspection Date:** September 1, 2009
Location: Seattle, Washington 98134	**Camera:** Panasonic/Lumix DMC-FZ7	**Photographer:** Tristen Gardner

Description: Flaking red paint on the lower section of the smokestack. This is the location of sample 09354101. The total PCBs in this sample are 390 ppm.

Time: 10:27 am

Direction: West wall of the Brick Smokestack – Steam Plant Row.

Photo No: P101129

Description: Sample 09354101 was collected from the lower section of the smokestack. This sample is approximately 12 feet above street level. The total PCBs in this sample are 390 ppm.

Time: 10:27 am

Direction: West wall of the Brick Smokestack – Steam Plant Row.

Photo No: P101130

PHOTO DOCUMENTATION

Facility: Rainier Commons, LLC	**Lat/Long:** 47.576224/-122.321200	**Inspection Date:** September 1, 2009
Location: Seattle, Washington 98134	**Camera:** Panasonic/Lumix DMC-FZ7	**Photographer:** Tristen Gardner

Description: Northwest corner of Building 12. This is the location of sample 09354102. To the left is the doorway into the PCB storage for disposal unit. The total PCBs in the paint sample are 11.2 ppm.

Time: 10:32 am

Direction: Northwest corner of Building 12 – Steam Plant Row.

Photo No: P101131

Description: : Northwest corner of Building 12. This is the location of sample 09354103. The total PCBs found in the paint sample are 19.2 ppm.

Time: 10:32 am

Direction: Northwest corner of Building 12 – Steam Plant Row.

Photo No: P101132

PHOTO DOCUMENTATION

Facility: Rainier Commons, LLC	**Lat/Long:** 47.576224/-122.321200	**Inspection Date:** September 1, 2009
Location: Seattle, Washington 98134	**Camera:** Panasonic/Lumix DMC-FZ7	**Photographer:** Tristen Gardner

Description: Location of sample 09354103. The paint colors under the outer coat of red very from black to blue. The black paint is below the blue paint seen in the photograph. This sample is a mixture of all the colors. The total PCBs found in the sample are 19.2 ppm.

Time: 10:37 am

Direction: West wall of Building 12 – Steam Plant Row.

Photo No: P101135

Description: Location of sample 09354104. The under coats of paint range from orange, beige to blue. The sample is a mixture of all of the colors of paint and the total PCBs are 10,200 ppm

Time: 10:41 am

Direction: West wall of Building 9, north of loading dock – Tully's Factory.

Photo No: P101136

PHOTO DOCUMENTATION

Facility: Rainier Commons, LLC	**Lat/Long:** 47.576224/-122.321200	**Inspection Date:** September 1, 2009
Location: Seattle, Washington 98134	**Camera:** Panasonic/Lumix DMC-FZ7	**Photographer:** Tristen Gardner

Description: Additional view of location of sample 09354104

Time: 10:45 am

Direction: Steps to the loading dock at Building 9 – Tully's Factory.

Photo No: P101137

Description: A fallen paint chip about the size of a US Quarter.

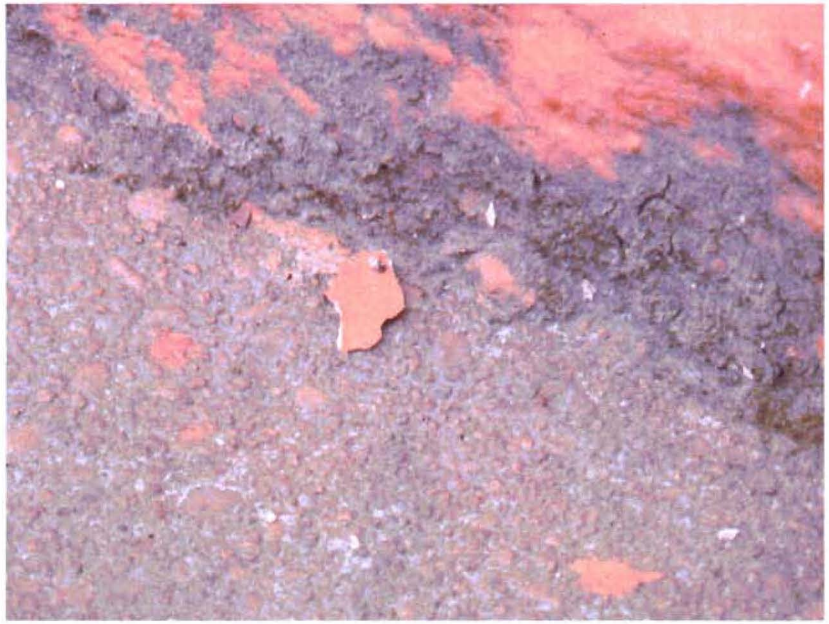
Time: 10:45 am

Direction: Ledge on the west wall of building 9, north of loading dock – Tully's Factory.

Photo No: P101138

PHOTO DOCUMENTATION

Facility: Rainier Commons, LLC	**Lat/Long:** 47.576224/-122.321200	**Inspection Date:** September 1, 2009
Location: Seattle, Washington 98134	**Camera:** Panasonic/Lumix DMC-FZ7	**Photographer:** Tristen Gardner



Description: An additional fallen paint chip about the size of a US Quarter.

Time: 10:45 am

Direction: Ledge on the west wall of building 9, north of loading dock – Tully's Factory.

Photo No: P101139

Description: Location of sample 09354105. The under coats of paint is a metal metallic in color. The concert wall is exposed here. The total PCB found in this sample is 12,400 ppm. The sample is a mixtures of the metal metallic color, the blue undercoat and the orange over coat

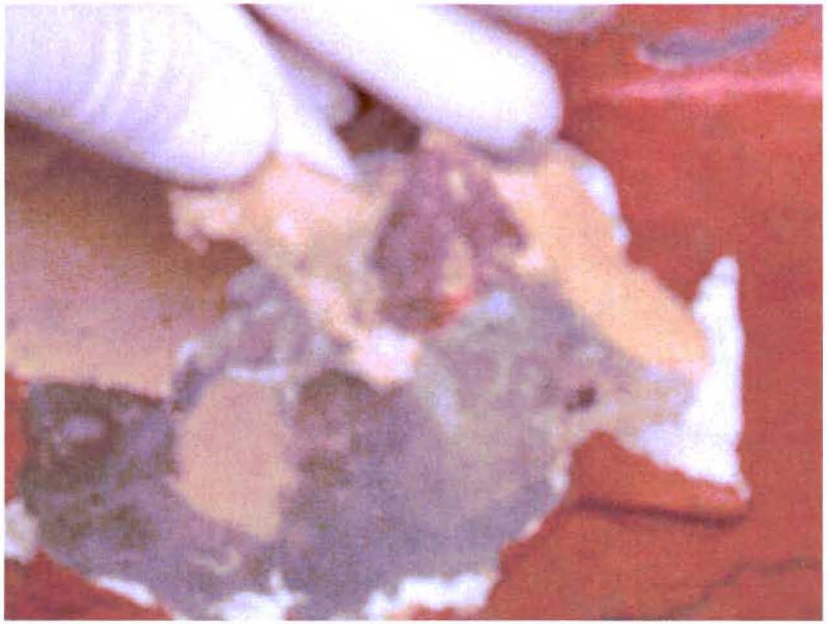
Time: 10:48 am

Direction: West wall of Building 8 – Tully's Factory.

Photo No: P101140

PHOTO DOCUMENTATION

Facility: Rainier Commons, LLC	**Lat/Long:** 47.576224/-122.321200	**Inspection Date:** September 1, 2009
Location: Seattle, Washington 98134	**Camera:** Panasonic/Lumix DMC-FZ7	**Photographer:** Tristen Gardner



Description: Showing the older coats of paint on Building 5A. This is a close up of the paint colors in the sample 09354106. The PCB concentration is 690 ppm.

Time: 10:58 am

Direction: West wall of Building 5A next to Stairs – Brew Kettle Block.

Photo No: P101141

Description: Location of sample 09354106. The under coating are white and beige in color. The concert is exposed under the white paint. The PCB concentration in the sample is 690 ppm.

Time: 10:59 am

Direction: West wall of Building 5A next to Stairs – Brew Kettle Block.

Photo No: P101142

PHOTO DOCUMENTATION

Facility: Rainier Commons, LLC	**Lat/Long:** 47.576224/-122.321200	**Inspection Date:** September 1, 2009
Location: Seattle, Washington 98134	**Camera:** Panasonic/Lumix DMC-FZ7	**Photographer:** Tristen Gardner

Description: Location of sample 09354107. The rock used to build the wall near the stairs is exposed and breaks up easily when touched.

Time: 11:03 am

Direction: West wall of Building 5A, next to stairs – Brew Kettle Block.

Photo No: P101143

Description: Location of sample 09354107. The rock used to build the wall near the stairs is exposed and breaks up easily when touched. The concentration of PCB in the sample is 6.5 ppm.

Time: 11:04 am

Direction: West wall of Building 5A, next to stairs – Brew Kettle Block.

Photo No: P101144

PHOTO DOCUMENTATION

Facility: Rainier Commons, LLC	**Lat/Long:** 47.576224/-122.321200	**Inspection Date:** September 1, 2009
Location: Seattle, Washington 98134	**Camera:** Panasonic/Lumix DMC-FZ7	**Photographer:** Tristen Gardner

Description: Location of sample 09354108. This is the west wall of Building 6, just north of the entry door (See 101146). The sample is a mixture of paint colors; green and purple.

Time: 11:08 am **Direction:** West wall of Building 6 – Brew Kettle Block

Photo No: P101145

Description: Paint chips on the walkway leading to the door were combined with the flake paint sample taken from the location see in Photograph 101145. The total PCB concentration is 18,000 ppm.

Time: 11:11 am **Direction:** West wall of Building 6 – Brew Kettle Block.

Photo No: P101146

PHOTO DOCUMENTATION

Facility: Rainier Commons, LLC	**Lat/Long:** 47.576224/-122.321200	**Inspection Date:** September 1, 2009
Location: Seattle, Washington 98134	**Camera:** Panasonic/Lumix DMC-FZ7	**Photographer:** Tristen Gardner

Description: The catch basins in the ally behind Building 13 did not have a sufficient amount of debris for collecting. This is the same catch basin EPA sampled in March 2009.

Time: 11:13 am

Direction: Catch basin between Buildings 3 and 13 – Steam Plant Row.

Photo No: P101147

Description: Close-up of the new sock inside the catch basin.

Time: 11:13 am

Direction: Catch basin between Buildings 3 and 13 – Steam Plant Row.

Photo No: P101149

PHOTO DOCUMENTATION

Facility: Rainier Commons, LLC	**Lat/Long:** 47.576224/-122.321200	**Inspection Date:** September 1, 2009
Location: Seattle, Washington 98134	**Camera:** Panasonic/Lumix DMC-FZ7	**Photographer:** Tristen Gardner

Description: The coats of paint are brown over black and tan or beige. This is the location of sample 09354109.

Time: 11:18 am

Direction: Building 1, west wall, north of entry – Tully's Business Center.

Photo No: P101150

Description: The coats of paint are brown over black and tan or beige. No PCB were detected in this sample.

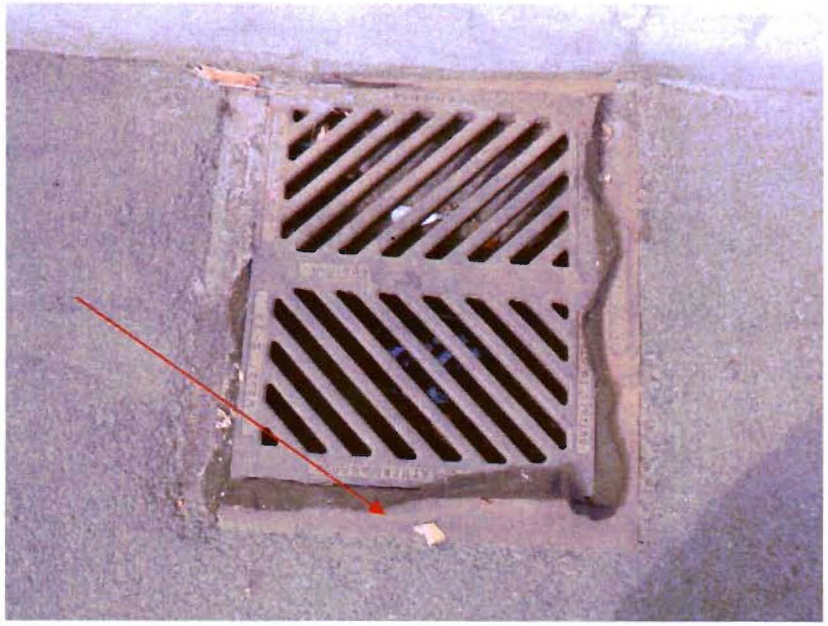
Time: 11:18 am

Direction: Building 1, west wall, north of entry – Tully's Business Center.

Photo No: P101151

PHOTO DOCUMENTATION

Facility: Rainier Commons, LLC	**Lat/Long:** 47.576224/-122.321200	**Inspection Date:** September 1, 2009
Location: Seattle, Washington 98134	**Camera:** Panasonic/Lumix DMC-FZ7	**Photographer:** Tristen Gardner



Description: Paint chips on the edge of catch basin on the east road behind building 1. The paint is a tan or darker beige. The color of the paint chip is similar to the beige seen on Buildings 1 and 3.

Time: 11:22 am

Direction: East road between the Freeway and Building 1 – behind – Tully's Business Center.

Photo No: P101152

Description: This is a close-up of the sock and catch basin on the west side of Building 1. This is rainwater from earlier today. There was no debris in the sock.

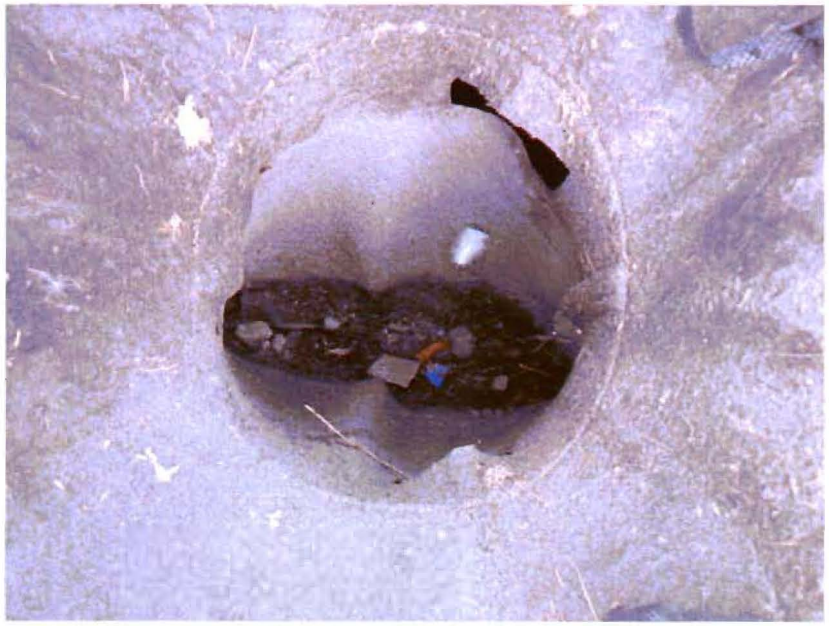
Time: 11:22 am

Direction: East road between the Freeway and Building 1 – Tully's Business Center.

Photo No: P101153

PHOTO DOCUMENTATION

Facility: Rainier Commons, LLC	**Lat/Long:** 47.576224/-122.321200	**Inspection Date:** September 1, 2009
Location: Seattle, Washington 98134	**Camera:** Panasonic/Lumix DMC-FZ7	**Photographer:** Tristen Gardner



Description: Catch basin east of Building 4. There is a little debris in the sock, but no paint chips are seen. The catch basin is up-hill from the Rainer Commons Building 4.

Time: 11:26 am

Direction: East of Building 4, in the road between the I-5 Freeway and Building 4 – Brew Kellte Block.

Photo No: P101156

Description: Location of sample 09354110. This sample of paint was not covered by paint that had been applied after Rainer Commons, LLC purchased the property. The paint sample is two colors of beige. The total PCBs are 9.9 ppm

Time: 11:32 am

Direction: East wall of Building 25 – Arts Brewery Block.

Photo No: P101157

PHOTO DOCUMENTATION

Facility: Rainier Commons, LLC	**Lat/Long:** 47.576224/-122.321200	**Inspection Date:** September 1, 2009
Location: Seattle, Washington 98134	**Camera:** Panasonic/Lumix DMC-FZ7	**Photographer:** Tristen Gardner

Description: White wall inside the PCB Storage for Disposal Building.

Time: 11:51 am

Direction: Inside Building 12, north wall – Inside the PCB Storage for Disposal Building.

Photo No: P101158

Description: Location of sample 09354111. The paint is white and the under coats are also white. Total PCBs are 16.1 ppm.

Time: 11;54 am

Direction: Inside Building 12, north wall – Inside the PCB Storage for Disposal Building.

Photo No: P101159

PHOTO DOCUMENTATION

Facility: Rainier Commons, LLC	**Lat/Long:** 47.576224/-122.321200	**Inspection Date:** September 1, 2009
Location: Seattle, Washington 98134	**Camera:** Panasonic/Lumix DMC-FZ7	**Photographer:** Tristen Gardner

Description: A little cove on the north wall of Building 12. All of the containers with debris picked up around the Old Brewery is marked with a date.

Time: 11:56 am

Direction: Inside Building 12, ground floor, north wall – Inside the PCB Storage for Disposal Building.

Photo No: P101160

Description: The date on the containers is the starting date employees used to store contaminated debris that contains paint chips cleaned up around the Old Brewery.

Time: 11:56 am

Direction: Inside Building 12, ground floor, north wall – Inside the PCB Storage for Disposal Building.

Photo No: P101161

PHOTO DOCUMENTATION

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Description: Brooms and rakes used to clean up paint chips at the Rainer Commons.

Time: 11:56 am

Direction: West wall of Building 12 – Inside the PCB Storage for Disposal Building.

Photo No: P101162

Description: Material inside the drum with the out of service date of 07/1/09. This is also the location of sample 09354112. PCBs in the sample total 5.5 ppm.

Time: 12:05 pm

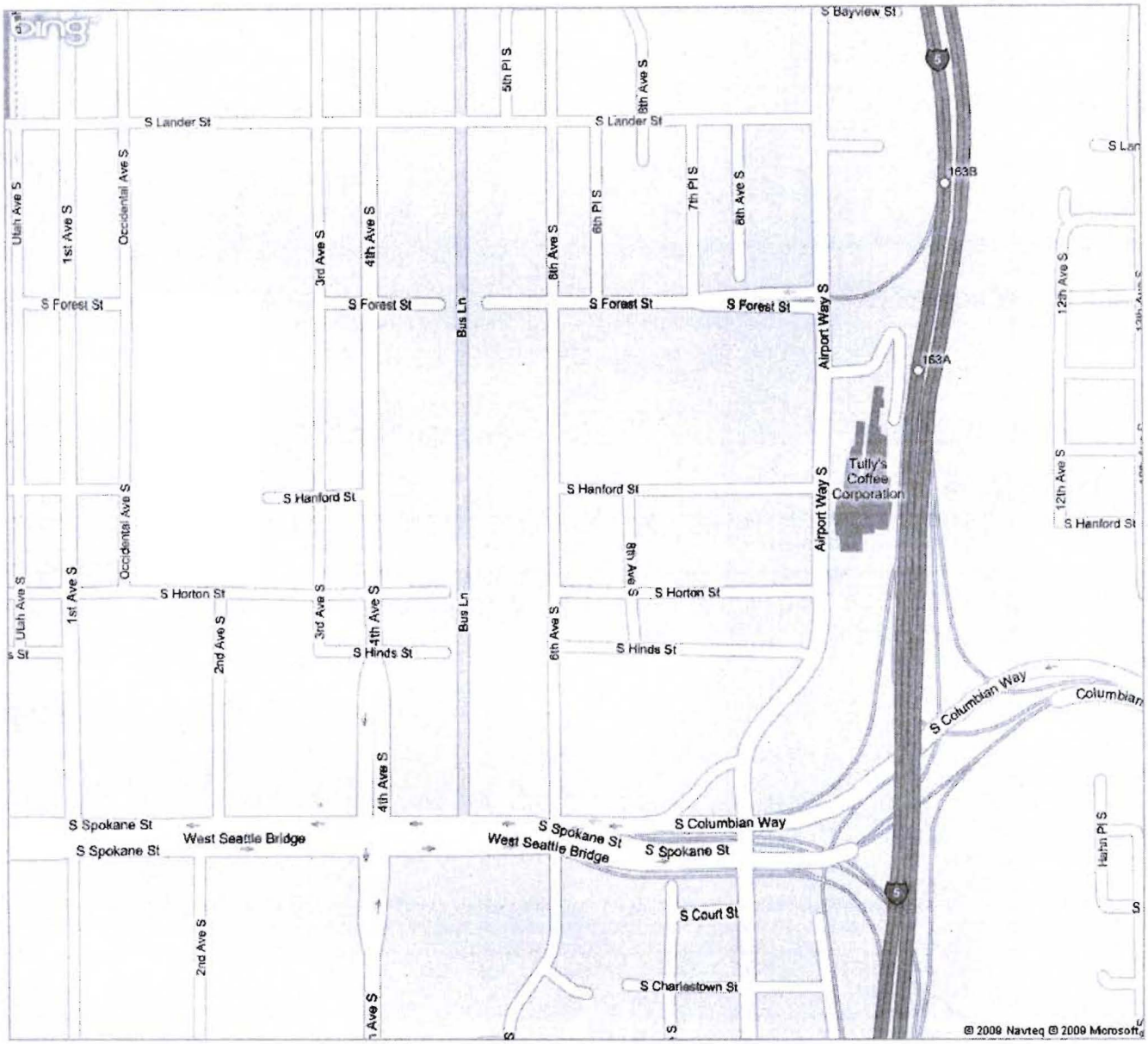
Direction: Contents in Drum 07/1/09, north wall inside Building 12 – Inside the PCB Storage for Disposal Building.

Photo No: P101164

Bing Maps

My Notes

meet - 9/1/09 @ 10 am



Bing Maps

My Notes

Bing Maps

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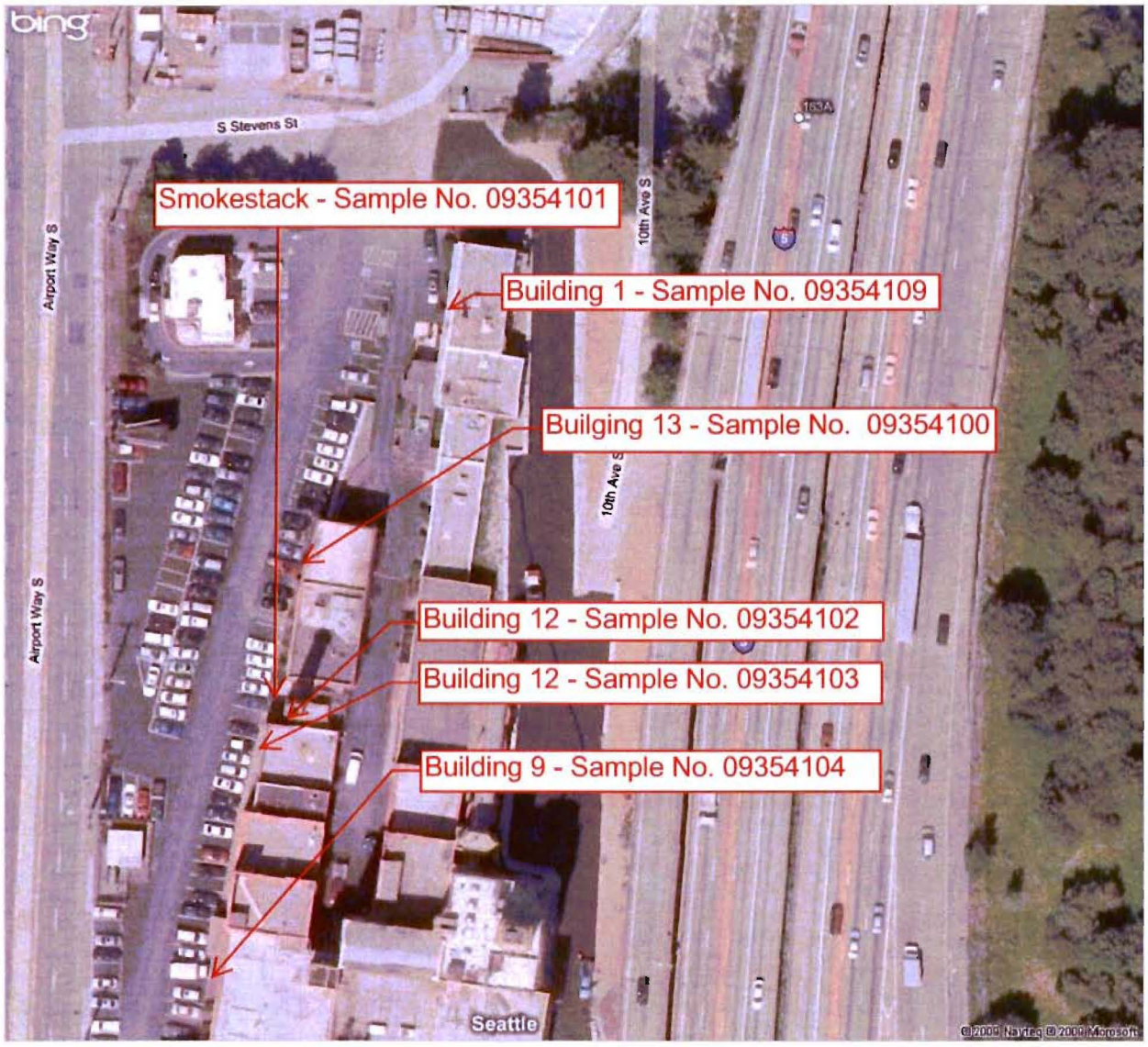
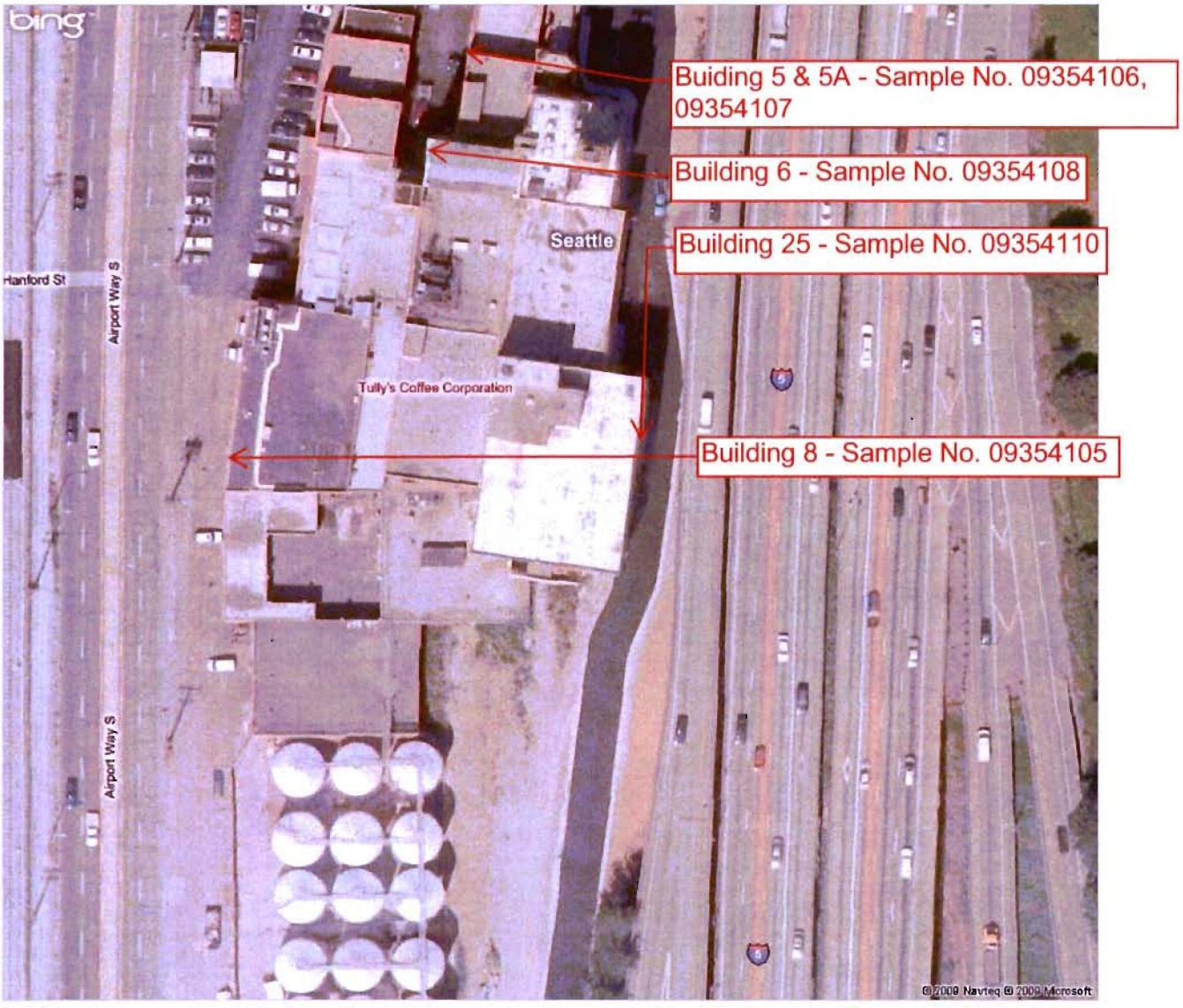


Bing Maps

My Notes



EPA Region 10
PCB Compliance Inspection Report

Inspection Information

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EPA ID Number: WAD051230004

Inspection Date: March 24, 2009

Inspection Type: 6PF / NSR - US

Inspection Team: Bruce Long, USEPA Oregon Operations Office, Office of Compliance and Enforcement, Inspection and Enforcement Management Unit; 503-326-3686. long.bruce@epa.gov. Tristen S. Gardner, Pesticides and Toxics Unit. 206.553.6240. gardner.tristen@epa.gov.

Site Contact Information

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Report Information

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Report Author Name: Bruce Long

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The Rainier Commons is owned by the Rainier Commons, LLC, but is managed by Ariel Development, LLC. There are common members in both organizations (Attachment III).

Facility NAISC No: 445290 and 721310

Current Site Contact Information: Rainier Commons, LLC

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Mailing Address: 14255 5th Avenue, Suite 2625, Seattle, Washington 98027
Phone Number: 503-829-7200
Fax Number: 503-829-7320

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Contact Name/Title: Mr. Eitan Alon, Property Manager
Mailing Address: 3317 3rd Avenue South, Seattle, Washington 98134
Phone Number: 206-447-0263 x203
Fax Number: 206-447-0299

Current Environmental Contractor: Camp Dresser and McKee, Inc., (CDM)

Contact Name/Title: Ms. Pamela J. Morrill, LHG
Mailing Address: 11811 N.E. 1st Street, Suite 201, Bellevue, Washington 98005
Phone Number: 425-453-8383
Fax Number: 425-646-9523

Facility History

The Rainier Brewery operated at the Airport Way location from 1883 to 1999. In 1999, the property was purchased by Benaroya Foundation and then sold to Rainier Commons, LLC in August 2003[1]. The surrounding properties are small manufacturing facilities and retail stores. There is residential property to the east on the east side of Interstate 5.

In October 2005, the City of Seattle Public Utility Department (SUP) did a survey of the storm water collection system around the old brewery and found PCBs in the system that ranged from 17,500 mg/kg (ppm) to 2,200,000 mg/kg (Attachment VI). The same locations were resampled in January 2008 and the concentrations dropped by a factor of 100. In February 2008, the SPU scoured the storm water collection system around the Old Brewery and removed the PCB sediments in the storm water collection system.

It was reported by Vernon Environmental, Inc. in a report titled, Catch Basin Stormwater Field Sample Results, dated September 8, 2008, that there were six transformer vaults at the old brewery. However, the report does not identify the location of these transformer vaults and does not list the type of transformers that were in use at the time of the survey. A supplemental map was prepared by City of Seattle Public Utility Department (SUP) that shows the location of former transformers at the old brewery (Attachment I, Page 4). In a report by Farallon Consulting, Phase I – Environmental Assessment, dated April 14, 2004, Farallon states that nine transformers were found at the old Rainier facility, but all were non-PCB. The Seattle City Light owned three of the nine transformers and reported to Farallon that they were tested and found to be non-PCB transformers. The City transformers are located in a substation in front of Building 9.

In May 2006, Rainier Commons, through its consultant Vernon Environmental, Inc. (VEI) conducted a joint investigation of the storm water collection system and out of curiosity sampled the paint of the old brewery's exterior to see if it was the source of PCBs that were ending up in the storm water collection system[2]. In the VEI report the PCB concentration in the paint sample was 2,300 mg/kg (ppm) and is reported as Aroclor 1254. The City of Seattle Public Utility Department (SUP) found Aroclor 1254 in its samples of sediments collected in the storm water collection system in October 2005 and January 2008.

Other media information:

This facility is subject to regulation administered by the King County under the Clean Water Act (Storm Water Management). The facility has a Resource Conservation and Recovery Act identification assigned; WAD051230004.

TSCA Section 6(e) Notification:

As of the date of this inspection and investigation, there was no notification to EPA regarding the facilities management of PCBs and PCB remediation waste. Rainer Commons has not notified EPA of any PCB handling activities it may take to remediate the PCB waste in the storm water collection system.

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[1] Site history from Farallon Consulting, Inc., Site Assessment Report, Aril 14, 2004.

[2] Catch Basin Sediment Sample Results Report. Vernon Environmental, Inc. June 2006, Page 5.

Access:

The Rainier Commons is managed by Ariel Development, LLC. To gain access to portions of the facility, permission can be granted by members of the Ariel Development organization. There are public businesses operating at the facility, those businesses, open to the public, can be accessed during business hours.

Contact Information for Ariel Development, LLC:
Contact Name/Title: Mr. Eitan Alon, Property Manager
Mailing Address: 3317 3rd Avenue South, Seattle, Washington 98134
Phone Number: 206-447-0263 x203
Fax Number: 206-447-0299

Facility Map:

Maps and aerial photographs are under the Attachment I.

Weather:

The weather at the time of this inspection was cloudy with rain and showers off and on throughout the day. Rainfall within the previous 24-hours was approximately 0.04 inches[3].

[3] Weather Report posted by NOAA, www.NOAA.gov/sew

Description of PCB Inspection

The United States Environmental Protection Agency (EPA) intended to secure information regarding Rainier Commons, LLC's compliance with the regulations promulgated under Section 6(e) of the Toxic Substance and Control Act (TSCA). Specifically, compliance with the regulations found at 40 CFR Part 761 for the management, distribution in commerce, use, disposal, storage, and marking of PCBs and PCB items. This inspection was conducted under the authority of Section 11 of TSCA (Attachment II). This was an announced inspection.

At approximately 1:00 pm on March 24, 2009, Mr. Tristen Gardner and I arrived at the Tully's Coffee Shop located in the northwest corner of the old Rainer Brewery. Shortly after our arrival we met with Mr. Eitan Alon, Property Manger for Ariel Development, LLC, Mr. Seth Von Wald, Ariel Development and Ms. Pamela J. Morrill, consultant to Rainier Commons (CDM). Mr. Eitan Alon said he was an employee of Ariel Development, but he was there as a representative for Rainier Commons, LLC. After introductions, I presented my credentials and the Notice of Inspection (Attachment II). I reviewed the scope of this inspection with Mr. Alon and the other representatives.

We began the inspection by walking through the old brewery. Using the map provided by the City of Seattle Public Utility Department (SUP) we went to each of the locations where a transformer was believed to have been in place either in the past or currently (Attachment I, Page 4). There are two locations that we could not get access. The electrical panel seen in Photograph 6 from the Farallon Phase I Environmental Assessment Report, April 2004, is actually located inside Building No. 9. Building 9 is leased by Tully's Coffee and Tea (Tully's) and their people were not available to give us access to the room. The second location is also leased by Tully's. This is Building 20. Mr. Alon agreed to gain access to these two locations and would notify EPA when we could return and inspect the electrical panel in Building 9. Mr. Alon said to me that there was no transformer in Building 20, but EPA could inspect when Tully's granted access.

In Building 5 on the fourth floor (Noted as Floor 400) was a raised concrete pad, which is believed to be a former location for a transformer (Photograph No. P1000860). The materials stored on the pad were removed and I saw no sign of oil stains or any decolonization to the concrete. Mr. Alon said to me, the transformer had to have been removed long before Rainier Commons purchased the property.

There were some electrical switches and a fuse box on the wall in Building 5 (Photograph No. P1000862 and P1000864). These articles were not oil filled and there was no leaking potting compound from these articles.

The elevator in Building 5 is the only remaining elevator from the old brewery. On the roof of Building 5 is a small room that houses the pulley and cable along with the electrical motor and gearbox (Photograph No. P1000865 and P1000866). The gearbox is oil filled and was leaking (Photograph No. P1000866). I took a sample of the oil to be analyzed for PCBs. Table I summarizes the PCB results for the oil leaking from the elevator gearbox. In addition to the PCBs in the gear oil, Chlordane was also detected in the oil (Attachment IV).

Table I – PCB Results for Oil from the Elevator Gearbox – 3/24/2009

EPA Sample No.	Location of Sample	Aroclor	Aroclor	Results in µg/kg
09124300	Gear Oil	1254		8.9

In Building 6 on floor 5 (floor 500), I could not locate an area where a transformer could have been placed into use. This room was the former hops storage. In the past, the room was filled with tanks, but now the room is empty. I walked the entire area and saw no sign of a transformer or a place were a transformer was previously in place. At the time of this inspection, the room was completely empty.

In Building 25 on the third floor is a restaurant and bar. The corner where a former transformer was in use is now a bar and the location of a refrigerator used to store beer (Photograph No. P1000868).

The Seattle City Light Sub-Station

Exterior Paint on the old brewery was first tested by Rainier Commons' consultant in May 2006[4]. There is very little detail about the sampling event and no quality assurance data for the sample results. The table that appears in the Vernon Environmental report simply reported the exterior paint as 2,300 mg/kg Aroclor 1254.

During this inspection, I collected paint samples from the exterior wall of Building 13. This wall faces west and parallel with Airport Way. I also gathered paint chips that had accumulated in a gravel strip between Building 13 and the parking lot. This second sample also includes paint chips that had migrated to the edge of Catch Basin 2 (Attachment I, Page 5). Table II summaries the PCB results for the two Paint chip samples I collected on March 24, 2009.

Table II – PCB Results for Exterior Paint on Rainier Commons

EPA Sample No.	Location of Sample	Aroclor	Aroclor	Results in mg/kg
09124301	Wall – Building 13	1254	1260	700
09124302	Ground samples	1254	1260	10, 000

See Attachment IV

Mr. Alon said to me that his company had cleaned the building in 2005 and painted over the PCB paint to try and encapsulate it. Mr. Alon said his company is planning to do a cleaning of the exterior walls later this year (2009) and try to encapsulate the PCB paint to prevent it from continuing to peal off the building. I advised Mr. Alon that before he did this, he would need to contact EPA for approval. Rainier Commons has known about the PCBs in the paint following the sampling in May 2006.

I collected a sample from a storm water drain in the Breezeway Courtyard between Building 13 and Building 3. This is the location of Storm water Drain SD1. Sample number 09124303 is from the sediment trapped in the channel. The PCBs found in the sediment sample are approximately 105 mg/kg (ppm) (Attachment IV).

[4] Catch Basin Sediment Sample Results Report. Vernon Environmental, Inc. June 2006, Page 5.

Annual Documents:

Rainier Commons has not notified EPA using form 7710-53 to report its generation of PCB remediation waste for the removal of PCB contaminated sediment from the storm water collection system around the Old Brewery or removal of paint from the building. Records of the removal and disposal of remediation waste removed in 2005 from the storm water collection system were not available to EPA at the time of this inspection.

Manifest Review:

Mr. Alon said to me, there is no manifested remediation waste by Rainier Commons, including the disposal of sediments removed from the storm water collection system in 2005.

Out Brief:

I discussed the following with Mr. Alon, Ms. Morrill, and Mr. Von Wald.

1 – Before Rainer Commons washes down the building and removes any of the PCB containing paint, they must notify EPA at least 30 days prior to the start of the remediation.
2 – EPA still needs to see what is on the inside of the electrical panel in Building No. 9. Mr. Alon agreed to get that arranged within 30 days.

The field portion of this inspection closed at approximately 4:55 pm Pacific Standard Time (PST) on March 24, 2009.

Attachments:

Photograph Log – March 24, 2009
I – Maps; Road Maps to the Facility and Location of Electrical Equipment at the Facility
- Area View ..... Page 1
- Active Brewery (Before 1997) ..... Page 2
- Strom Drain and Combined Sewer ..... Page 3
- Transformer Locations ..... Page 4
- Catch Basin Location ..... Page 5

II – Notice of Inspection – March 24, 2009
III - Business Registration Information
- Rainier Commons, LLC ..... Page 1
- Ariel Development, LLC ..... Page 2

IV – Sample Plan and Sample Results
V – Site Assessment Report 2004 - Photographs
VI – Catch Basin Report 2008
VIII – Catch Basin Report 2009

Bethany Plewe/R10/USEPA/US
09/01/2009 09:18 AM

To Barry Pepich/R10/USEPA/US@EPA, Gerald Dodo/R10/USEPA/US@EPA, Karen Norton/R10/USEPA/US@EPA, Kathy
cc Bruce Long/R10/USEPA/US@EPA
bcc
Subject Rainer Commons, OOO-142A ---Formal Request

EPA Region 10
Manchester Laboratory Support Request

Project Name: ***Rainer Commons, Seattle, WA***
Project Codes: OOO-142A
Account Code: 20092010B10P201B53C
Sample Numbers: 09354100-4199

	Criminal	Superfund Remedial	Compliance Monitoring	Drinking Water Programs	Surface Water Protection	RCRA CA	Brownfields	
Program/project*			X					
NPM*	OECA	OSWER	OECA	OW	OW	OSWER	OSWER	

* 'X' the Program/ Project then change 'frequent' NPM below if necessary. For compliance monitoring/criminal projects, also write in the specific data use such as RCRA, NPDES, TSCA, etc. after the 'X'. For surface water, specify 'TMDL' after the 'X' if applicable.

RAP ANALYSES REQUESTED:

PARAMETER OR GROUP OF COMPOUNDS	METHOD	REPORTING LIMITS	#Wipe, soil and paint
PCB - aroclor	EPA 8082	1 ug/wipe, 40ug/kg soil, as per MEL paint	49

Sampling/Shipping Dates: Samples collected on August 31, 2009
Turnaround Time Requested: Send preliminary results within 1 week of the date the lab runs the PCB extractions, 8 weeks
Q.A. Chemist Reviewing QAPP: Bethany Plewe
Final Data Will Be Sent to: Bruce Long
Who Reviews?: MEL
Project Manager: Bruce Long **Phone**: 503-326-3686
Has this project been previously requested/if so when? No

Comments: rainer final QAPP-2.pdf
Requested by: Bethany Plewe, Chemist/RSCC **Date**: September 1, 2009

phone: (206) 553-1603
plewe.bethany@epa.gov

BELOW FOR LAB USE ONLY

Accepted Parameters:

Rejected Parameters:

Comments:

Transmitted by: Date:

EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101

Sample Custody & Analysis Required Form

Form Effective Date: July 2006

EPA Manchester Laboratory, 7411 [illegible]

Project Name	Project Code	Manchester Chemist/Coordinator
Rainier-Commons	000-1424	

Account Code	EPA Project Manager/Phone Number	Check all that apply
0910B10P201B53C	Bruce Long	☐ Enforce/Custody ☐ Possible Toxic/Hazardous

Sampler Name (Print & Sign). Mark (P) after name of principal recorder:

Bruce Long

If applicable, circle the set of selected metals:

Al Sb As Ba Be
B Cd Ca Cr Co
Cu Fe Pb Mg Mn
Mo Ni K Se Ag
Na Sn Tl V Zn

(see reverse for more to add/circle)

Matrix Codes: 10 - Water/Liquid (Total); 20 - Water/Liquid (Filtered); 40 - Sediment/Soil/Solid/Bulk; 70 - Tissue; 80 - Oil/Solvent; 41 - Air filter; 42 - Wipe/Swab; 60 - ________

#C/P: enter the number of containers for each preservative type followed by the appropriate preservation code (P)

A - HCl; B - HNO₃; C - NaOH; D - H₂SO₄; E - Na₂S₂O₃; F - [illegible] acid, then HCl; G - Na₂S₂O₃+EDTA; H - EDTA; N - No chemical preservation; P - Bottles pre-preserved at lab; T - To be preserved at the lab

☐ Check here if the cooler is iced

Sampler's comments for the Laboratory:

Sample Number	Sampling Date & Time	Matrix	#C/P	Sampler Initials	Sample Station Description/Field Measurements
09354100	09 01 09 1025	40	1 N	BL?	Building 1?
4102	1034?	↓	↓	↓	Stack - K2?
4104	1045				Building 9 - LR
4106	1105				Building 54
4108	1120				Building 6
4110	1150				Building 25
4112	1210				Drum 7/1/09

Chain of Custody Record

Relinquished by (Signature)	Date	Time	Received by (Signature)	Date	Time
			Received by Mobile Lab for Field Analysis (Signature)		
[signature]	9/1/09	15:00	[signature]	9/1/09	15:00

Receiving Laboratory Comments:

Good [illegible]

Custody Seals Intact:

30 Leachate 50 Sludge 60 Air

es in use at the EPA Region 10 Laboratory. Pick the matrix code
trix. If in the opinion of the sampler, the sample matrix needs to
and write in a matrix description. Remember, tissue can be

ed, cross out one of the pre-printed analyses and write in
bolded analyte symbol/abbreviation (some analyses are not

e form:

carbons (these are a subset of the compounds reported from GC-
PLC or SIM-GC/MS methods are usually requested in order to get
nochlorine Pesticides **PCB** Polychlorinated Biphenyls aka
le organic compounds **BNA** (aka SVOC or SVOA) - semivolatile

e in:

brominated hydrocarbons) **Butyltins** Butyltins (mono, di, tri,
ated Biphenyl Congener analysis. **Chlor Hyd**. Chlorinated
Qua/Cat Guaiacols/Catechols scan **Herb** Herbicides **OP Pest**
PBDE Polybrominated diphenylethers **Resin Acids** **TPH-Dx**
sel range **TPH-Dx-ext** Total Petroleum Hydrocarbons, diesel
Gx Total Petroleum Hydrocarbons, gasoline range **TPH-HCID**
ification **THMs** Trihalomethanes

form *(underlined = 'CLP metals' - mercury must be*

senic **Ba** barium **Be** beryllium **B** boron **Cd** cadmium
balt **Cu** copper **Fe** iron **Pb** lead **Mg** magnesium
Nickel **K** potassium **Se** selenium **Ag** silver **Na** sodium
Zn zinc

n and then circled under the box used for

ium **Mo** molybdenum **Sr** strontium **Ti** titanium **W** tungsten

nalyzed for on matrices other than soil/sed or water.

e-printed on the form:

orm Fecal Coliform **T. Coliform** Total Coliform

n can be written in:

Particulate Analysis for Determining GWUDI
ophage **Staph a** Staphylococcus aureus

aching Procedure (TCLP) write in analyses*:

bicides **TCLP met+Hg** TCLP metals including mercury
ng mercury **TCLP Hg** TCLP mercury **TCLP Pest** TCLP

cted for analytes with a TCLP regulatory criteria.

General analyses pre-printed on the form:

BOD Biochemical Oxygen Demand **NO$_2$+NO$_3$** Nitrite plus Nitrate **Oil & Grease** **TDS** Total Dissolved Solids **TSS** Total Suspended Solids

General analyses that can be written in:

Acidity **Alk** Alkalinity **TNH$_3$** Ammonia **HCO$_3$** Bicarbonate **Br** Bromide **CO$_3$** Carbonate **COD** Chemical Oxygen Demand **Cl** Chloride **Color** Color **Cond** Conductivity **CN** Cyanide **CN-W&D** Cyanide, weak & dissociable **Flash** Flash Point **F** Fluoride **Grn Siz** Grain Size **Hard** Hardness **NO$_2$** Nitrite **NO$_3$** Nitrate **TNVS** Non-Volatile Solids **NVSS** Non-Volatile Suspended Solids **ClO$_4$** Perchlorate **pH** **Phenol** Phenolics **SiO$_2$** Silica - dissolved **SO$_4$** Sulfate **S** Sulfide **TOC** Total Organic Carbon **TS** Total Solids **% V Slds** % Volatile Solids **TVS** Volatile Solids **TVSS** Volatile Suspended Solids **SetSlds** Settleable Solids **% Tot** % Total Solids **TKN** Total Kjeldahl Nitrogen **T-Phos** Total Phosphorous **D-Phos** Dissolved Phosphorous **O-Phos** Ortho Phosphorous **D-O-Phos** Dissolved Ortho Phosphorous **Turb** Turbidity

Container guidance.

Note: this is general information only - consult the QA Project Plan on appropriate containers and preservatives for each project. Modifying methods may require modifying the number/type of containers. Freezing samples for one or more analyses may require collection of individual containers. Contact the laboratory for minimum sample volumes in situations where sample material is limited. Minimum volumes required for analysis will depend on the analysis and required reporting limits.

Containers for soil/sediment:

Metals/cyanide/mercury: 1, wide mouth 8 ounce glass or HDPE.
Extractable organics: 1, 8 ounce wide mouth amber glass, for one or two analyte groups.
Inorganics and organics: 1, sixteen ounce wide mouth amber glass.
VOAs/purgeables: Contact the laboratory for the proper number/type of special Closed-System sample containers.

Containers/chemical preservatives for water*:

Metals/regular mercury: 1, one liter HDPE, HNO3 to pH<2
Mercury by method 1631: HCl and 250 mL containers provided by MEL.
Cyanide: 1, 250 mL or larger HDPE, remove sulfides and/or residual chlorine then add NaOH to pH>12
Extractable organics (BNA, Pest, PCP, PAH etc.): two, one liter amber glass containers for each analysis - if more than one liter will be extracted for the project, it is advisable that the container size match (but not exceed) the volume to be extracted. Two separate volumes are usually collected for each analysis to allow for re-extraction if needed.
VOAs/purgeables: 3, zero headspace 40 mL amber glass vials with Teflon Septa, remove residual chlorine then add HCl to pH<2
Alkalinity: 1, 250 mL or larger HDPE, no extra volume for lab QC
Ammonia: 1, 250 mL or larger HDPE, H2SO4 to pH<2, no extra volume for lab QC
BOD 5: 1, one gallon HDPE, no extra volume for lab QC
TSS: 1, one liter or larger HDPE, no extra volume for lab QC
TDS: 1, 250 mL or larger HDPE, no extra volume for lab QC
Oil & Grease: 1, one liter clear glass, HCl to pH<2, submit 4 separate containers for the lab QC sample
NO2+NO3: 1, 250 mL or larger HDPE, H2SO4 to pH<2, no extra volume for lab QC
Br, Cl, F, SO4, CLO4: for analysis by ion chromatography, 1, 100 mL or larger HDPE, no extra volume for lab QC

** Water samples to be designated for lab QC should have double volume submitted for metals, triple volume for organics. In general, extra volume is usually not required for lab QC for soil / sediment.*

PCB INSPECTION PLAN

Status:	Enforcement		CBI:		Open:	X	Routine		Others	

Site Name/Facility	Rainer Commons, LLC II
Address:	3100 Airport Way South, Seattle Washington 98134
Contact Person:	Ms. Eitan Alon, 206-447-0263 x203

COOPERATING AGENCIES/PARTIES INVOLVED:

Contact Person	Agency	Phone Number

AUTHORIZED INSPECTOR/SAMPLE COLLECTOR AND PHONE NUMBER:

Bruce Long, USEPA Oregon Operations Office - 503-326-3686
Tristen Gardner, USEPA Region 10 206-553-6240

SAMPLING REQUIREMENTS

Parameter	Method	Quantitation Limits	Number of Samples	Type of Samples	Collection Date	Laboratory ETA	Remarks
PCB	8280	see QA Plan	49	Wipe/soil	08/31/2009		Also Paint Samples

SPECIAL CONSIDERATIONS OR "OPEN" REQUIREMENTS:

Please send preliminary results via email within one weeks of the date the Lab runs the samples.
Samples to be delivered to Lab on September 04, 2009
Samples will be collected on August 31, 2009

FOR QAO/RSCC USE ONLY

RSCC RECEIPT AND LAB REQUEST:
DATE

QAO CONCURRENCE:
DATE

Project Code:_____ Account Code: AFLL3A

Sample Numbers Assigned: From _____ to

FOR LAB USE ONLY

Analyses accepted? (Y/N)

Comments:

Accepted by:_____ Date:

(Use other side of form if additional space is needed)

QUALITY ASSURANCE PLAN FOR

PCB
AUTHORIZED INSPECTORS

Prepared by
Office of Quality Assurance
U.S.E.P.A. Region 10

Date: 5/6/98
Revision: 1.0

INTRODUCTION

This document is intended to provide the Air and Toxics Division with a basic Quality Assurance Plan (QAPP) for PCB inspections. This QAPP is designed to assist the PCB Inspector in the execution of proper sample documentation and methodologies for (1) sample collection, (2) analytical methods and (3) data generation, reduction, validation and interpretation.

PROJECT ORGANIZATION AND RESPONSIBILITY

This section identifies the personnel involved in the PCB inspection and defines their respective responsibilities in the process.

Inspector - The inspector represents the TSCA program on site. His main responsibility is to prepare a final inspection report to be submitted to the immediate program manager based on the results of the inspection conducted and the sample analytical data obtained from the laboratory. In conjunction, the inspector shall also be responsible for the site inspection; collection of samples; coordination with the Regional Sample Control Center (RSCC) for regional sample numbers and laboratory analysis schedule; maintenance of sample documentation and receipt of sample analytical results. All of these tasks shall be performed in accordance with the approved QA Plan for PCB inspection.

Regional Sample Control Center (RSCC) - The role of RSCC is to coordinate and schedule sample delivery and analysis with the regional laboratory based on the information provided by the inspector in the PCB Inspection Plan Form (see attachment 1). For sample tracking, the RSCC also provides the inspector with the regional sample numbers and the corresponding project work and account numbers. Region 10 RSCC is located within the Region 10 QA Office.

Manchester Environmental Laboratory (MEL) - This is the EPA regional analytical laboratory located at Port Orchard, WA. For the TSCA program, MEL is responsible for the following tasks: sample extraction and analysis; data generation, reduction, and validation; submission of PCB analytical data printouts (Form 1) for each sample to the inspector and a QC summary for precision and accuracy information for the analysis performed.

SAMPLE COLLECTION

All sampling measurements shall be accomplished in accordance with the technical specifications of the approved QAPP for PCB Inspections and Chapter 2 of the "Toxic Substances Control Act Inspection Manual, Volume Two: PCB Manual, March 1981".

The inspector shall notify the RSCC of all pre-planned sampling events before samples are collected. It usually takes 3 working days for the RSCC to coordinate laboratory analysis for pre-scheduled sampling.

The RSCC shall also provide block(s) of regional sample numbers after a completed and signed copy of the "PCB Inspection Plan" (Attachment 1) had been submitted by the inspector. The PCB Inspector Plan Form can be accessed and printed through the LAN. In cases where a sampling opportunity unexpectedly occurs (unscheduled sampling), the RSCC shall respond within 24 hours of initial inspector contact.

The inspector shall, by signature on a Chain of Custody Form, accept responsibility for maintaining custody and meeting all applicable schedules agreed to with the RSCC. A completed plan may contain "open" items which are left "open" to give the inspector the needed flexibility to efficiently conduct the field operation phase of the inspection. Upon completion of the field operation phase, the "open" items shall be filled out by the inspector. The inspector shall document any methodology changes with the use of a Sample Alteration Checklist or Corrective Action Form (attachment 1).

SAMPLE EQUIPMENT AND PROCEDURES

Sampling procedure and equipment used shall be selected from methodologies discussed in Appendix A. The choice of procedure and equipment shall also be dictated by the site requirements and inspector's professional judgment. Deviations from the plan may be acceptable with a full documentation in the "open" sections of the Inspection Plan or justification in the Sample Alteration Checklist or Corrective Action Form.

SAMPLE DOCUMENTATION AND CHAIN OF CUSTODY PROCEDURES

Appendix B of this document is the Quality Assurance Guidance package for Sample Custody and Documentation. This has been developed for all QA plans and reviewed by the Regional Counsel's Office. This guidance is subject to review and corrections as regulatory requirements evolve. Therefore, the inspector should assure that the most current version of the guidance package is used at all times.

For inspectors, the approved QAPP, together with sampling methodologies and QA guidelines discussed in Appendices A and B are the controlling instructions for meeting Custody and Documentation requirements during field operations. At a minimum, any sample delivered to the EPA Laboratory must be identified by an appropriate tag or label containing a Sample Number, keyed to, and accompanied by a completed Field Sample Data and Chain of Custody Sheet(s). The inspector is responsible for completing the documentation required in the inspection file by making sure that all forms are completed and collected in the file. This will include field logs or notes, field data and chain of custody sheets, sample shipment logs, carrier waybills or air bills, analysis request forms, analytical data and other records and documents pertinent to the program.

DATA QUALITY OBJECTIVES

Table 1 Summary of Data Quality Objectives

Matrix	Method	Accuracy (Bias)		Precision	Completeness
		Detection Limits	Surrogate Recoveries	RPD	Percent
Soil	8082	40 ug/kg	60-150%	35%	95%
Oil	8082	1.0 mg/kg	60-150%	35%	95%
Water	8082	1 ug/l	60-150%	35%	95%
Wipe	8082	1 ug/wipe, or, 1 mg/l of extract	60-150%	35%	95%

Approved TSCA analytical methods and QC procedures shall be used. For this program, MEL currently use the modified SW846 - Method 8082 - Organochlorine Pesticides, Halowaxes and PCBs as Aroclors by Gas Chromatography: Capillary Column Technique from the "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW846, 3rd edition".

The inspector or the designated manager shall review the analytical results and determine if the Data Quality Objectives (DQOs) requested were met. If not, corrective action will be initiated to provide usable data to the program.

DELIVERABLES

All data generated and other related documentations under this QAPP shall be utilized by the Inspector and/or designated manager to meet the reporting requirements of the program. This can range from file retention to inclusion in major reports, as required for compliance to CFR 40-761.

SYSTEM AND PERFORMANCE AUDITS

Data Management System Audits are routine QAO functions. Technical system audits may be performed if requested by Regional, Division or Branch Management, or the authorized inspector or delegated manager if resources are available.

US ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

EPA

TOXIC SUBSTANCES CONTROL ACT

NOTICE OF INSPECTION

1. INVESTIGATION IDENTIFICATION			3. FACILITY NAME
DATE	INSPECTION NO.	DAILY SEQ. NO.	
9/1/2009	F12361		Rainer Commons, LLC

2. INSPECTOR'S ADDRESS
USEPA - Oregon Operations Office
805 SW Broadway, Suite 500
Portland, Oregon 97205

4. FACILITY ADDRESS
3100 Airport Way South
Seattle, Washington 98134

For Internal EPA Use. Copies may be provided to recipient as acknowledgment of this notice.

REASON FOR INSPECTION

Under the authority of Section 11 of the Toxic Substances Control Act:

☑ For the purpose of inspecting (including taking samples, photographs, statements, and other inspection activities) an establishment, facility, or other premises in which chemical substances or mixtures, articles containing same are manufactured, processed, stored or held before or after their distribution in commerce (including records, files, papers, processes, controls, and facilities) and any conveyances being used to transport chemical substances, mixtures, or articles containing same in connection with their distribution in commerce (including records, files, papers, processes, controls, and facilities) bearing on whether the requirements of the Act are applicable to the chemical substances, mixtures, or articles within, or associated with, such premise or conveyance have been complied with.

☐ In addition, this inspection extends to (check appropriate blocks):

- ☐ A. Financial data
- ☐ B. Sales data
- ☐ C. Pricing data
- ☐ D. Personnel data
- ☐ E. Research data

The nature and extent of inspection of such data specified in A through E above is as follows:

INSPECTOR'S SIGNATURE		RECIPIENT'S SIGNATURE	
NAME: Bruce Long		NAME: Erin Allen	
TITLE: EPS	DATE SIGNED: 9/1/2009	TITLE: COO	DATE SIGNED: 9/1/2009

*U.S. GPO: 2000-468-422/45055

US ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

TOXIC SUBSTANCES CONTROL ACT
TSCA INSPECTION CONFIDENTIALITY NOTICE

1. INVESTIGATION IDENTIFICATION			4. FACILITY NAME
DATE	INSPECTION NO.	DAILY SEQ. NO.	Rainer Commons, LLC
	F12361		
2. INSPECTOR'S NAME			5. ADDRESS
Bruce Long			14255 5th Ave, Suite 2625 Seattle, Washington 98027
3. INSPECTOR'S ADDRESS			6. NAME OF CHIEF EXECUTIVE OFFICER
USEPA - Oregon operations office 805 SW Broadway, Suite 500 Portland, Oregon 97205			Brett Goldfarb.
			7. TITLE
			Member

For Internal EPA use. Copies may be provided to recipient as acknowledgment of this notice.

TO ASSERT A TSCA CONFIDENTIAL BUSINESS INFORMATION CLAIM

It is possible that EPA will receive public requests for release of the information obtained during the inspection of the facility cited above. Such requests will be handled by EPA in accordance with provisions of the Freedom of Information Act (FOIA), 5 USC 552; EPA regulations issued thereunder, 40 CFR, Part 2; and the Toxic Substances Control Act (TSCA), Section 14. EPA is required to make inspection data available in response to FOIA requests unless the EPA Administrator determines that the data is entitled to confidential treatment, or may be withheld from release under other exceptions of FOIA.

Any or all information collected by EPA during the inspection may be claimed as confidential if it relates to trade secrets, commercial, or financial matters that you consider to be confidential business information (CBI). If you assert a CBI claim, EPA will disclose the information only to the extent, and by means of the procedures set forth in the regulations (cited above) governing EPA's treatment of CBI. Among other things, the regulations require that EPA notify you in advance of publicly disclosing any information claimed as CBI.

A CBI claim may be asserted at any time prior to, during, or after the information is collected. This notice was developed by EPA to assist you in asserting a CBI claim. If it is more convenient for you to assert a CBI claim on your own stationary or by making the individual documents or samples "TSCA confidential business information," it is not necessary for you to use this notice. The inspector will be glad to answer any questions you may have regarding EPA's CBI procedures.

While you may claim any collected information or sample as CBI, such claims are not likely to be upheld if they are challenged unless the information meets the following criteria:

1. Your company has taken measures to protect the confidentiality of the information and it intends to continue to take such measures.
2. The information is not, and has not been, reasonably obtainable without your company's consent by other persons (other than governmental bodies), or by use of legitimate means (other than discovery based on showing of special need in a judicial or quasi-judicial proceeding).
3. The information is not publicly available elsewhere.
4. Disclosure of the information would cause substantial harm to your company's competitive position.

At the completion of the inspection, you will be given a receipt for all documents, samples, and other materials collected. At that time, you may make claims that some or all of the information is CBI.

If you are not authorized by your company to assert a CBI claim, this notice will be sent by certified mail, along with the receipt for documents, samples, and other materials to the Chief Executive Officer of your company within 2 days of this date. The Chief Executive Officer must return a statement specifying any information which should receive CBI treatment.

The statement from the Chief Executive Officer should be addressed to:

EPA - Region 10
1200 Sixth Ave, Suite 900, M/S OCE-086
Seattle, Washington 98101

and mailed by registered, return-receipt requested mail within 7 calendar days of receipt of this notice. Claims may be made at any time after the inspection, but the inspection data will not be entered into the TSCA/CBI security system until an official confidentiality claim is made. The data will be handled under EPA's routine security system unless and until a claim is made.

TO BE COMPLETED BY FACILITY OFFICIAL RECEIVING THIS NOTICE I acknowledge receipt of this notice:		If there is no one on the premise who is authorized to make CBI claims for this facility, a copy of this notice and other inspection materials will be sent to the company's Chief Executive Officer. If there is another official who should also receive this information, please designate below.
SIGNATURE		NAME
NAME Eitan Alon		TITLE
TITLE	DATE SIGNED 9/1/2009	ADDRESS

EPA FORM 7740-4 (Revise July 1997) PREVIOUS VERSIONS ARE OBSOLETE — FILE COPY

☆US GPO:2003-520-530

US ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

EPA

TOXIC SUBSTANCES CONTROL ACT

RECEIPT FOR SAMPLES AND DOCUMENTS

1. INVESTIGATION IDENTIFICATION			2. COMPANY NAME
DATE: 9/1/2009	INSPECTION NO.: F12361	DAILY SEQ. NO.:	Rainer Commons, LLC
3. INSPECTOR ADDRESS: USEPA - Oregon operations office, 805 SW Broadway, Suite 500, Portland, Oregon 97205			4. COMPANY ADDRESS: 3100 Airport Way South, Seattle, Washington 98134

For internal EPA use. Copies of this form may be provided to recipient as acknowledgment of the documents and samples of chemical substances and/or mixture described below collected in connection with the administration and enforcement of the Toxic Substances Control Act.

RECEIPT OF DOCUMENT(S) AND/OR SAMPLE(S) DESCRIBED IS HEREBY ACKNOWLEDGED:

NO.	DESCRIPTION
(1)	Split Samples - Total of 13 (1) - Building 13 (2) - Shed (3) - Building 12 (4) - Building 12 (5) - Building 9 (6) - Building 8 (7) - Building 5M (8) - Building 5M2 (9) - Building 6 (10) - Building 1 11 - Building 25 12 - Building 42 - Inside 13 - Drum - 7/1/09 - OSD

OPTIONAL:

DUPLICATE OR SPLIT SAMPLES: REQUESTED AND PROVIDED [X] NOT REQUESTED [ ]

INSPECTOR SIGNATURE	CLAIMANT SIGNATURE
NAME: Bruce Long	NAME: Ethan Nelson
TITLE: EPS	DATE SIGNED: 9/1/09
	TITLE:
	DATE SIGNED: 9/1/09

EPA FORM 7740-1 (REVISED JULY 1996) CORE TSCA --- PREVIOUS VERSIONS ARE OBSOLETE

☆ U.S. GPO: 2001—617-481

INSPECTOR'S COPY

Megan Pickett/R10/USEPA/US
09/21/2009 04:54 PM

To Bruce Long/R10/USEPA/US@EPA
cc Karen Norton/R10/USEPA/US@EPA, Kathy York/R10/USEPA/US@EPA
bcc
Subject Preliminary Results - Rainier Commons OOO-142A

Hello Bruce,
Enjoy. Let me know if you have any questions.

09354100 - 950 mg/kg 1254
550 mg/kg 1260

09354101 - 250 mg/kg 1254
140 mg/kg 1260

09354102 - 3.8 mg/kg 1254
7.4 mg/kg 1260

09354103 - 11 mg/kg 1254
8.2 mg/kg 1260

09354104 - 7300 mg/kg 1254
2900 mg/kg 1260

09354105 - 8500 mg/kg 1254
3900 mg/kg 1260

09354106 - 470 mg/kg 1254
220 mg/kg 1260

09354107 - 3.7 mg/kg 1254
2.8 mg/kg 1260

09354108 - 12000 mg/kg 1254
6000 mg/kg 1260

09354109 - no aroclors found, RL will be raised to about 100 mg/kg due to matrix interference

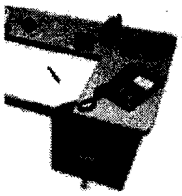
09354110 - 7.3 mg/kg 1254
2.3 mg/kg 1260

09354110DU - 8.1 mg/kg 1254
1.4 mg/kg 1260
The %difference in the paint duplicates meets criteria.

09354111 - 9.4 mg/kg 1254
6.7 mg/kg 1260

09354112 - 3800 ug/kg 1254
1700 ug/kg 1260

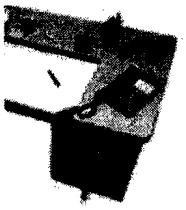
09354112DU- 12000 ug/kg 1254
14000 ug/kg 1260
The %difference for sample 12 does not meet criteria. The sample was homogenized by crushing/mixing at the lab prior to preparation; the high variation is likely due to uneven distribution of small paint chips



Daniel Duncan/R10/USEPA/US
08/27/2009 03:57 PM

To Bruce Long/R10/USEPA/US@EPA, Tristen Gardner/R10/USEPA/US@EPA
cc
bcc
Subject Fw: RCCLCC In-Line Sediment PCB Sampling

From the Desk Of:
Daniel Duncan
Office of Compliance and Enforcement
(206) 553-6693
(206) 553-1775(FAX)
----- Forwarded by Daniel Duncan/R10/USEPA/US on 08/27/2009 03:58 PM -----



Daniel Duncan/R10/USEPA/US
08/07/2009 03:44 PM

To Richard Mednick/R10/USEPA/US
cc
Subject RCCLCC In-Line Sediment PCB Sampling

ENFORCEMENT CONFIDENTIAL - NOT SUBJECT TO FOIA

Richard:

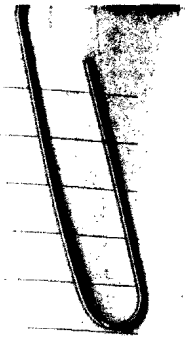
I received a copy of a letter dated July 31, 2009 to RCCLCC from King County Wastewater Treatment Division. This letter outlines the results of recent PCB sampling for Aroclors in in-line sediment from the combined sewer pipeline.

The PCB samples ranged from 0.24 ug/L to 1.24 ug/L which exceeded the MCL of 0.5 ug/L (0.5 ppb). King County plans another round of in-line sampling in September 2009 and has notified RCCLCC of this and has asked for RCCLCC's consent to sample the Rainier Commons drainage lines.

I will bring you a copy of this letter when I return to the office on Monday, Aug 10th. The King County contact is
Bruce Tiffany, P.E. at (206) 263-3011 or bruce.tiffany@kingcounty.gov.

From the Desk Of:
Daniel Duncan
Office of Compliance and Enforcement
(206) 553-6693
(206) 553-1775(FAX)

ENFORCEMENT CONFIDENTIAL - NOT SUBJECT TO FOIA



Add. Visual conditions →

Rainier Commons

September 1, 2009

Pre-Inspection:

- new paint? repainted?
- demonstrate picking + collecting paint chips
- collection drum?
- catch basins?

– document and sample as much as possible

Rainier Commons LLC
3100 Airport Way South
Seattle WA

Eitan Alon - rep for LLC

9:55 am ∘ Parking Lot (west)

Eitan Alon →

- ∘ hasn't painted, added
  ↳ banners not allowed
- ∘ weekly paint clean-up
- ∘ street-sweeper [McDonald]
  - dump in dumpster
  - sample waste
  - dispose of if ↓
- ∘ hoping to incinerate
  ↳ clean harbors
- ∘ consultant w/ Prexell (EP) painting coming ~~Fen~~ later today
  ↳ to give financial analysis
  - sandblasting - robots
  - poly urea? → encapsulation pentacon

(continuation of conversation)

- Bill Boom SP
  - ↳ paint company expert
  - → visited site

→ [redacted]
  - ↳
- NoI + confidentiality

Site Walkaround

Building 13 → 10:23 am

Sample: East Wall
Picture: 101-0128
flaking red paint
sample #: 1

Smokestack 10:27 am

East Brick Wall
flaking Red paint on brick
Picture: 0129 + 0130
Sample #: 2

[redacted]

Building 12 - 10:32am

North Corner next to smokestack [0] 12
Red on brick
Picture: 0131 + 0132
Sample: 3

10:35am

East Facing Wall
Blue under red paint
Picture: 0133 + 0134 + 0135
Sample: 4

Building 9 — 10:44

↳ by loading building

East Orange Wall → orange over blue
Picture: 0136 - 0137
Sample: 5

* noticed paint chips on side of building
pictures! 0138 - 0139

Building 8 - 10:48am

Yellow concrete Wall
East Facing, loading dock
Picture: 0140
Sample: #6
metallic underpaint

Building 5A - 10:56am

11:04 red stone east facing - lime mortar
Picture: 0143+0144
[redacted] Sample: 8

11:00 → next to stairs
red concrete → tan under white
Picture: 0141+0142
Sample: 7

Building 6 - 11:09

→ on ground on path
green paint [redacted] entering folks
Picture: 0145+0146 combined with
Sample: 9 on wall

Catch Basin between 3→13 ↘
"trough" 11:16
has filter liner
Picture: 0147-1148 0149

Building 1

brown over blk + tan on concrete
Picture: 0159 + 0151
Sample: 10

Catch Basin West of Bld 1
filter
Picture 0152 - 0153

Catch Basin West of Bld 4
filter w/ little soil
Picture: 0154 + 0155 + 0156

Building 25 - 11:33

west side - original? tan paint
Sample: 11
Picture: 0157 cut paint off

11:21

Storage Room - Building 12

Berrios, Nicky
↳ pickup by hand
mask, long sleaves + gloves
scoops earth not just
the flake

inside white new walls - Northside
picture: 0158 + 0159
sample: 12

Storage Area
Picture: 0160

Arms → pic 0161

Broom → pic 0162

explained storage + disposal
along w/ labeling

* ↳ send web link to Fish

Drum
[redacted] → OSD 7-01-09
Sample: 13
~~Paint~~ picture: 0163 - 0164

Storage Area →
no secondary containment
no outside labeling
drain on flr of Bldg 12
down gradient from
closet

explained 6x6 PCB mL sticker

door locked only for
entrance

- signed recipt for samples
- end 12:16